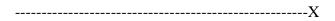
UNITED STATES DISTRICT COURT	
SOUTHERN DISTRICT OF NEW YORK	
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U.S. COMMODITY FUTURES TRADING COMMISSION,

Plaintiff, Civil Action No. 12 CV 8791 (CM)

-against- <u>DECLARATION</u>

ERIC MONCADA, BES CAPITAL LLC, and SERDIKA LLC, ECF Case



Richard M. Asche, a member of the firm of Litman, Asche & Gioiella, LLP. attorneys for the defendant Eric Moncada, declares the following:

I make this declaration in support of the motion by Mr. Moncada to extend his time to move or answer with respect to the Complaint from February 4, 2013 to February 25, 2013.

No previous application has been made to extend Mr. Moncada's time to answer.

I have spoken with the attorneys for the plaintiff, who consent to the requested adjournment.

The adjournment is necessitated by the fact that this firm has only within the past week been retained to represent Mr. Moncada.

Dated: New York, New York February 4, 2013

> /S/ Richard M. Asche Richard M. Asche (RMA 7081)